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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,210

07/14/2005

Dietmar Schmid

502901-202PUS

1741

27799 7590 03/16/2007  
COHEN, PONTANI, LIEBERMAN & PAVANE  
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NEW YORK, NY 10176

EXAMINER

NGUYEN, HUNG T

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/542,210

Applicant(s)

SCHMID ET AL.

Examiner

HUNG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/14/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-14 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bober (U.S. 5,243,324).

Regarding claim 8, Bober discloses a method for detecting a fault in an automotive system by using a control module in the form of microprocessor (21) [ figs.2-3, col.2, lines 10-32 and col.3, line 51 to col.4, line 46 ] comprising:

- monitoring a plurality of inputs (20) [ col.3, lines 40-50 ];
- monitoring the input exceeds the threshold / limit and incrementing (block 32) / decrement (40,42) a counter [ fig.3, col.4, lines 8-46 ];
- an alarm / indication lamp is activated when the counter reach an alarm limit [ fig.3, col.4, lines 34-46 ].

Regarding claims 9-14, Bober discloses the method for detecting a fault in an automotive system by using a control module in the form of microprocessor (21) [ figs.2-3, col.2, lines 10-32 and col.3, line 51 to col.4, line 46 ] comprising:

- monitoring a plurality of inputs (20) [ col.3, lines 40-50 ];

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- monitoring the input exceeds the threshold / limit and incrementing (block 32) / decrement (40,42) a counter (as counter is reset to zero) [ fig.3, col.4, lines 8-46 and col.5, lines 25-34 ].

Regarding claim 16, Bober discloses an arrangement for detecting a fault in an automotive system by using a control module in the form of microprocessor (21) [ figs.2-3, col.2, lines 10-32 and col.3, line 51 to col.4, line 46 ] comprising:

- monitoring a plurality of inputs (20) [ col.3, lines 40-50 ];
- monitoring the input exceeds the threshold / limit and incrementing (block 32) / decrement (40,42) a counter [ fig.3, col.4, lines 8-46 ];
- an alarm / indication lamp is activated when the counter reach an alarm limit [ fig.3, col.4, lines 34-46 ].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bober (U.S. 5,243,324) in view of Unseld et al. (U.S. 6,429,845).

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Regarding claim 15, The reference of Bober does not specifically mention monitoring and checking to a priority list to determine fault message from the input variable as claimed by applicant.

However, Unseld teaches a technique of process for display several set of information with different display priority on a display panel to an operator when major components in the vehicle or that vehicle specific parameter limits have been exceeds col.3, lines 12-46 and col.5, lines 25-36 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Unseld in the system of Bober to display signals of the most priority conditions to the operator as major components or that vehicle specific parameter limits have been exceeds.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 03/039929 and U.S. 2004/0090323 which are provided by applicant from IDS.

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Regarding claims 8 & 16, Bieringer teaches a method that is suitable for eliminating erroneous messages in monitoring system for electronic appliances (pages 2, lines 21-26, page 3, lines 18-26), in particular for sensor circuits in motor vehicle (page 6, line 35 to page 7, line 9), in which error messages result in the incrementation of a counter (page 2, lines 27-35, page 7, lines 21-27, with an alarm (page 14, line 35 to page 15, line 5 being triggered only when a predetermined position on the counter is reached [page 2, lines 27-35]).

7. Claims 8 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chard (U.S. 5,867,091) which is provided by applicant from IDS.

Regarding claims 8 & 16, please see col.3, lines 6-28 for rejections.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

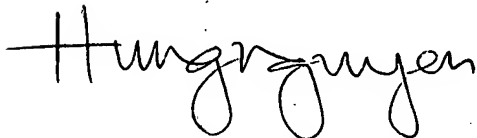
- Hapka et al. (5,070,832).
- Mueller et al. (U.S. 5,805,056).
- Schubert et al. (U.S. 6,584,388).
- Stoneking et al. (U.S. 6,606,670).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffrey can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Hung Nguyen", with a stylized, cursive script.

Examiner: Hung T. Nguyen

Date: Mar. 14, 2007